

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATE: October 21, 2011

JUDGE
MICHAEL H. SCHNEIDER

COURTROOM DEPUTY: Linda Pritchard
COURT REPORTER: Jan Mason

SIMPLEAIR, INC.

§

Plaintiff,

§

CIVIL ACTION NO. 2:09-CV-289-MHS

v.

§

**AWS CONVERGENCE
TECHNOLOGIES, INC., et al.,**

§

JURY TRIAL DEMANDED

Defendants.

§

DEFENDANT APPLE INC.'S TRIAL WITNESS LIST

Reserving the right to amend or supplement, Apple Inc. (“Apple”), defendant in the above-entitled and numbered civil action, identifies the following witnesses for trial:

WITNESS LIST				
	WITNESS	Will Call	May Call	May, but probably not call
1	<p>James Callendar</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
2	<p>Darryl Bleau</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

3	<p>Steve Sinclair</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
4	<p>Ziv Wolkowicki</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, the accused products, Apple innovation and reach, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
5	<p>Beth Kellermann</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern documentation relating to technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

6	<p>Kris Bell</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
7	<p>Jeff Davey</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

8	<p>Chip Lutton</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, the accused products, Apple's relationships with third parties, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
9	<p>Patrick Gates</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, marketing and sales of accused products, Apple's relationships with third party carriers and others, licensing, Apple innovation and reach, Apple prior art, and/or additional topics.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
10	<p>Phillip Shoemaker</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, the accused products, Apple's relationships with third parties, Apple innovation and reach, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

11	<p>Steven Leung</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony may concern marketing and sales of accused products.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
12	<p>Chris Marcellino</p> <p>Cleveland, Ohio</p> <p>Testimony may concern technical, marketing and sales of accused products, or Apple prior art.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
13	<p>Dave Rothschild</p> <p>Motorola Mobility San Francisco Bay Area</p> <p>Testimony may relate to the Apple Mobile Messaging System, which serves as prior art to the patents at issue.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

14	<p>Brian Cassidy</p> <p>c/o Ryan J. Casamiquela KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, California 94104 Telephone: (415) 439-1400</p> <p>Testimony generally may concern technical issues, the accused products, Apple's relationships with third party carriers and others, Apple innovation and reach, and/or additional topics.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours</p>		X	
15	<p>Dr. Stephen Wicker</p> <p>Ithaca, New York (Cornell)</p> <p>Testimony: Apple's expert on non-infringement and invalidity issues.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
16	<p>William Hays</p> <p>2345 Twin Lakes Circle Jackson, Mississippi 39211</p> <p>Testimony concerning the prior art to the patents-in-suit, and/or additional topics.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
17	<p>Dr. Ray Perryman</p> <p>Waco, Texas</p> <p>Testimony: Apple's expert on damages issues and related testimony.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

18	<p>Jason Katz</p> <p>New York, New York (or surrounding area)</p> <p>Testimony may concern patents-in-suit, subject matter of the patents, accused products, and/or additional topics.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
19	<p>John Payne (live or by deposition)</p> <p>Testimony may concern patents-in-suit, subject matter of the patents, accused products, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
20	<p>Tim von Kaenel (live or by deposition)</p> <p>Testimony may concern patents-in-suit, their subject matter of the patents, accused products, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	
21	<p>Hal Hirsch (by deposition)</p> <p>New York surrounding area.</p> <p>Testimony may concern the value of the patents, along with their transactional history, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: less than 1 hour.</p>		X	

22	<p>Yann Geron (by deposition)</p> <p>Fox Rothschild LLP 100 Park Avenue, Suite 1500 New York, New York 10017</p> <p>Testimony may concern the value of the patents, along with their transactional history, and/or additional topics.</p> <p>This witness has been deposed.</p> <p>The expected duration of direct and cross examination of the witness: less than 1 hour</p>		X	
23	<p>Rebuttal expert to address Dr. Srinivasan's expert testimony and report</p> <p>Testimony: Apple's expert on damages-related issues.</p> <p>This witness has not been deposed.</p> <p>The expected duration of direct and cross examination of the witness: 1-4 hours.</p>		X	

Respectfully submitted,



Eric M. Albritton
Texas State Bar No. 00790215
ema@emafirm.com
Debra Coleman
Texas State Bar No. 24059595
drc@emafirm.com
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

Adam R. Alper
State Bar No. 196834
adam.alper@kirkland.com
Ryan J. Casamiquela
State Bar No. 228559
ryan.casamiquela@kirkland.com
Sarah Forney
State Bar No. 254769
sarah.forney@kirkland.com

Jared Edgar
State Bar No. 245724
jared.edgar@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street, Floor 24
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Gregory S. Arovas
State Bar No. 2553782
gregory.arovas@kirkland.com
KIRKLAND & ELLIS LLP
Citigroup Center 153 East 53rd Street
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Michael W. De Vries
State Bar No. 211001
michael.devries@kirkland.com
Justin Singh
State Bar No. 266279
justin.singh@kirkland.com
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Counsel for Apple Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 21st day of October 2011.



Eric M. Albritton